

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
:-v- : INDICTMENTROBERTO ORTIZ, :
Defendant. : 07 Cr. 366 (JSR)

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COUNT ONE

The Grand Jury charges:

1. In or about April 2007, in the Southern District of New York and elsewhere, ROBERTO ORTIZ, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that ROBERTO ORTIZ, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, mixtures and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

Overt Act

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York:

a. On or about April 15, 2007, in the Bronx, New York, ROBERTO ORTIZ, the defendant, possessed approximately 15 kilograms of mixtures and substances containing a detectable amount of cocaine.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. On or about April 15, 2007, in the Southern District of New York and elsewhere, ROBERTO ORTIZ, the defendant, unlawfully, intentionally, and knowingly, did distribute and possess with intent to distribute a controlled substance, to wit, approximately 15 kilograms of mixtures and substances containing a detectable amount of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A);
Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION

5. As a result of committing one or more of the foregoing controlled substance offenses alleged in Counts One and Two of this Indictment, ROBERTO ORTIZ, the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property, real and personal, that constitutes or is derived, directly or indirectly, as a result of the offenses and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged

in Counts One and Two of this Indictment.

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (i) cannot be located upon the exercise of due diligence;
- (ii) has been transferred or sold to, or deposited with, a third party;
- (iii) has been placed beyond the jurisdiction of the court;
- (iv) has been substantially diminished in value;

or

- (v) has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 18, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property.

(Title 21, United States Code, Section 853.)


Thomas P. Eagan
FOREPERSON


Michael J. Garcia
MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v -

ROBERTO ORTIZ,

Defendant.

INDICTMENT

07 Cr.

(Title 21, United States Code,
Sections 812, 841(a)(1), 841(b)(1)(A),
846 and 853; Title 18, United States
Code, Section 2.)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Thomas P. Eagan
Foreperson.
